



COMMONWEALTH of VIRGINIA

CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

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October 14, 1999

Jay E. Carter, Planner
Caroline County
Department of Planning and Community Development
Post Office Box 424
Bowling Green, Virginia 22427

Dear Jay:

As a follow-up to our phone conversations on October 5, 1999, this letter should offer clarification on the Department's position concerning the enlargement of Resource Protection Area (RPA) wetlands for mitigation purposes. My understanding of the situation in Caroline County is that a developer wishes to enlarge a RPA wetland in the County in order to mitigate for impacts he has caused to two wetlands located outside of the County. You would like to know if this is an allowable use in a RPA under the *Chesapeake Bay Preservation Area Designation and Management Regulations* (Regulations).

The Regulations address this inquiry in several different sections. Wetlands mitigation projects can be undertaken within the RPA buffer area; however, the following course of action must be taken:

1. The developer needs to obtain all necessary federal, state and local permits;
2. The developer must obtain an exception from the County and submit a water quality impact assessment to the County because the construction of the wetland would constitute an impact to the RPA from the water-side and impact the existing 100-foot buffer (§ 9VAC 10-20-160 of the Regulations);
A new 100-foot buffer needs to be designated adjacent to the boundary of the newly constructed wetland because the wetland is a RPA feature (§ 9VAC 10-20-80.B.5 of the Regulations); and
4. Any land disturbing activity within the RPA must be done in accordance with the performance criteria set forth in the Regulations (§ 9VAC 10-20-120 and § 9VAC 10-20-130), including the erosion and sediment control requirements.

Mr. Jay Carter
October 13, 1999
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I hope that this information sufficiently answers your questions. If you have any further questions about these comments, please feel free to contact me.

Sincerely,

Hanh Le
Senior Environmental Planner

c: Shepard Moon, Chief of Environmental Planning, CBLAD
Shawn Smith, Implementation Review Officer, CBLAD

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